

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION AT MEMPHIS**

MICHAEL E. DICKERSON,

Plaintiff,

v.

No. 2:19-cv-02589-SHL-cgc

JURY DEMANDED

ISS FACILITY SERVICES, INC.,

Defendants.

**AFFIDAVIT OF RENE BARTLETT IN SUPPORT OF
MOTION FOR PROTECTIVE ORDER**

STATE OF TENNESSEE *

COUNTY OF SHELBY *

Affiant states of her own personal knowledge as follows:

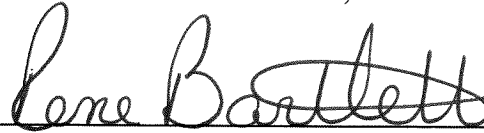
1. I am Rene Bartlett. I am over the age of eighteen years, am of sound mind, and have personal knowledge of the facts contained herein. I am an employee of ISS Facility Services, Inc. My current position is that of General Manager of ISS. My duties and responsibilities include oversight of the business operations for ISS in the southeast region.
2. I am familiar with the books, records, and accounts of ISS. I have reviewed the Master Services Agreement between Smith & Nephew, Inc. and ISS dated June 10, 2015 as well as the corresponding Statement of Work between Smith & Nephew, Inc. and ISS dated June 19, 2015. These documents contain proprietary and confidential commercial information including but not limited to the following:

- a. List and identities of approved subcontractors;
 - b. Requirements for audits of books and records;
 - c. Fee and Payment terms and conditions;
 - d. Procedures and protocols for performance obligations; and
 - e. General duties and responsibilities of ISS employees.
3. ISS maintains close contact with subcontractors who perform services at facilities such as that at Smith & Nephew in Memphis. Retention of these contractors is important to the business model and profitability of ISS and specifically the Master Services Agreement and Statement of Work herein. Disclosure of the identities of ISS approved subcontractors to those outside this lawsuit and specifically competitors of ISS would unduly harm ISS' relation with the subcontractors and provide its competitors with a competitive advantage in negotiating later agreements.
4. The books and records of ISS from audits of work performed under the Master Services Agreement and Statement of Work as well as the fees and payment terms contain proprietary and confidential commercial information. This information if disclosed to those outside of this lawsuit and specifically competitors of ISS would unduly harm ISS with respect to profit and loss from this relation as well as quality control protocols specifically utilized by ISS to monitor performance of employees and subcontractors.
5. Procedures and protocols for performance obligations as well as the duties and responsibilities of employees and subcontractors also entail proprietary and

confidential commercial information. This information if disclosed to those outside of this lawsuit and specifically competitors of ISS would unduly harm ISS with respect to how ISS performs its obligations under the Master Services Agreement and Statement of Work, its fulfillment of contractual obligations under specific circumstances, and the ISS developed process for fulfilling contractual obligations.

6. For these reasons, on behalf of ISS, good cause exists for issuance of a Protective Order regarding proprietary and confidential commercial information in order to protect the competitive interest of ISS.
7. I declare under penalty of perjury that the foregoing statement is true and correct.

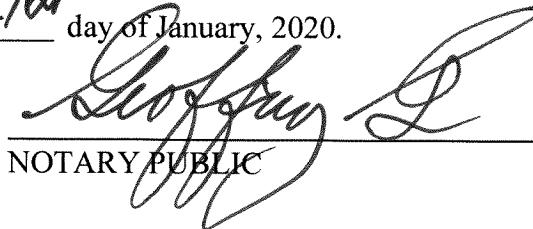
ISS FACILITY SERVICES, INC.



RENE BARTLETT

As: General Manager

Sworn to and subscribed before me this 21st day of January, 2020.



NOTARY PUBLIC

My commission expires: 9.17.23



Respectfully submitted,

HOLLEY, ELDER & MCWHIRTER, P.C.

BY: s/ Geoffrey Gaia
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CERTIFICATE OF SERVICE

I do hereby certify that the foregoing document was filed with the Court's ECF system,
which then served a true and complete electronic copy of the same upon the following person(s):

Jason Yasinsky
488 South Mendenhall
Memphis, TN 38117
Attorney for Plaintiff

on this the 22nd of January, 2020.

s/ Geoffrey Gaia
GEOFFREY GAIA